

Cochran, Patricia (DCOZ)

From: Mohammad Hassan <hassan9291@gmail.com>
Sent: Monday, May 23, 2022 6:18 PM
To: support@dcra.mail.kustomerapp.com; DCRACS (DCRA); Chrappah, Ernest (DCRA); LeGrant, Matt (DCRA); DCOZ - BZA Submissions (DCOZ); Cochran, Patricia (DCOZ); ATD DCOZ; Planning; Reid, Robert (DCOZ)
Cc: Delaine Englebert
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required

Follow Up Flag: Follow up
Flag Status: Completed

Some people who received this message don't often get email from hassan9291@gmail.com. [Learn why this is important](#)

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Hi Mr. Reid,

Thank you for your and the teams time. This email is meant for the following individuals:

- Director Ernest Chrappah
- LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>;
- Cooper, Quiton (DCRA) <quition.cooper@dc.gov>;
- Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>;
- Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>;
- Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>;
- Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>
- Reid, Robert <Robert.reid@dc.goc>;
- Patricia.Cochran@dc.gov;
- Frederick L. Hill - Chairperson Appointee
- Lorna John - District Resident Appointee
- Carl H. Blake - District Resident Appointee
- bzasubmissions@dc.gov;
- dcoz@dc.gov;
- planning@dc.gov;
- 4B@anc.dc.gov;

Please ensure they all receive it, specifically bringing to the attention of DCRA Direct Ernest Chrappah and BZA Chairperson Appointee Frederick Hill. If there are others that should be notified that are not on this list, please forward to them as well

I was able to find and review the BZA application here:

https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760

Please review exhibit 14. The Burden of Proof document states:

Board of Zoning Adjustment
District of Columbia
CASE NO.20760
EXHIBIT NO.19

This Statement is submitted on behalf of SC Holdings, Peabody LLC, the owner of the property located at 5912 9th St NW (Square 2986, Lot 25) (the "Subject Property"). The Subject Property is located in the RA-1 Zone district and is currently a two-story, four-unit multifamily building. The Applicant is proposing to construct a new third story to hold a fifth residential unit. Subtitle U, § 421 states "all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section." Accordingly, the Applicant is requesting special exception approval pursuant to Subtitle U – § 421.1.

Before delving into the questions, I'd make to make the position and needs of the HOA clear and provide current facts.

The HOA would like to protect the current owners interests and work alongside the BZA, DCRA and Unit 5 owner (SC Holdings, Peabody LLC and Mr. Snider and Mr. Mike Kuehn) to bring this above board, pay off dues, fix some of the issues with the structure. I believe a win-win-win can be struck.

A couple facts:

- 5912 9th Street HOA and it's four legal units are the majority owners of the building;
- SC Holdings, Peabody LLC (and owners Mr. Snider and Mr. Kuehn) do not have a right to file on the HOAs behalf;
- SC Holdings, Peabody LLC, alongside authorized agent, Adam Carballo, falsely filed permit and Zoning requests since they are non-HOA entities

Questions for the DCRA General Counsel and for BZA:

1. *How can SC Holding, Peabody LLC submit a zoning request when all four legal units have owners and a HOA is formed without our approval? Mr. Tarek Bolden from DCRA echoed the sentiment that it is illegal for SC Holding, Peabody LLC to submit a zoning request on the HOAs behalf. So it begs the question, how did this go through and why hasn't it simply been cancelled? Prima facia, it seems to be illegal to file a permit without being the majority owner of the structure. I understand the DCRA in the past has cancelled such permit requests when they were made on behalf of someone else and without their permission. Why not on this occurrence?*
2. *What is the recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years and/or hasn't remediated the structural issues with the building that were shown via inspections? I'm can share the reports if need be.*
3. *Mr. Reid had suggested that the HOA can get a temporary CoFO moved from the original originator, the developer to the HOA. This was further discussed in the call with Mr. LeGrant and others on May 18th 202 and it was noted that the barrier to doing so is low with a DHCD email. While, it may be a low friction effort, does doing so present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder and Unit 5 owner?*
4. *Considering Unit 5 owner is the same financier of the original project, what is the reason there have been no fines levied on SC Holdings, Peabody LLC and specifically, Mr. Steven S. Snider and his associate Mr. Mike Kuehn. Please find attached an email where Mr. Snider let me know "If you interfere with our efforts to obtain the CoFO by communicating with DCRA, it may harm our ability to obtain the CoFO and inure to the detriment of the Association and us."*

I consider the HOAs efforts an attempt to use the final bit of leverage we have as owners to get the owner/builder of Unit 5 to do the right thing by fixing issues with the structure and paying long HOA standing dues. I'm certain the BZA and DCRA will agree that the Unit Owners and HOA are indeed legally and ethically deserving of this.

I implore the BZA and DCRA to take actions to support the HOA in remedying the situation.

Best,
-Mohammad
5912 9th Street Unit Owner and Board Member

From: dcra support <support@dcra.mail.kustomerapp.com>
Date: Thursday, May 19, 2022 at 2:47 PM
To: hassan9291@gmail.com <hassan9291@gmail.com>
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required

Hi Mr. Hassan,

Thanks for meeting with us yesterday. I am following up to provide the information that Kathleen Beeton entered into the meeting chat for you. She stated the following:

You might also want to confer with the DC Bar for some legal assistance. They offer pro bono services, and if you haven't explored that possibility, I would encourage you to do so: <https://www.dcbbar.org/pro-bono>

We trust that we were able to answer some of your questions. We know that you have some additional ones and we look forward to receiving them. As mentioned, it is most likely that they may require consultation with DCRA's General Counsel. Thanks again!

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

dcra@dc.gov | dcra.dc.gov
1100 4th Street SW, Suite E340, Washington, DC 20024
main: 202.442.4400 | desk: 202.442.4648
inspections: 202.442.7867



On Wed, May 18, 2022 at 1:17 PM <hassan9291@gmail.com> wrote:

Mr. Robert Reid,

Here are the questions below so you don't have to scan the entire email:

1. Have you had an opportunity to a talk to your council on the following:

- * Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?
- * You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor

and are simply victims of a nefarious builder?

2. What would it take to work alongside BZA to get this above board? This may not be feasible but a suggested approach below

1. Unit 5 Owner/Builder Pay Dues

1. Unit 5 Owner/Builder works through structural fixes

1. BZA and DCRA collaborate to work alongside owners and Unit 5 owner/builder to get this above board given Units 1-4 owners didn't intentionally purchase into a bldg. with significant issues.

3. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

4. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Best,
-Mohammad

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3. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

4. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Best,
-Mohammad

On Wed, May 18, 2022 at 11:51 AM <support@dcra.mail.kustomerapp.com> wrote:

Good morning Mr. Hassan,

Thanks for confirming receipt of the meeting invitation. We look forward to the meeting at 1:30pm.

Regards,

On Tue, May 17, 2022 at 9:28 PM <hassan9291@gmail.com> wrote:

Got it. Thanks

Best,
-Mohammad

On Tue, May 17, 2022 at 8:33 PM <support@dcra.mail.kustomerapp.com> wrote:

Hi Mr. Hassan,

A meeting invitation has been sent to you for tomorrow, 5/18/22. The meeting time is 1:30pm - 2:30pm via MS Teams. Please confirm that you have received the invitation. Thank you!

Regards,

On Tue, May 17, 2022 at 5:40 PM <hassan9291@gmail.com> wrote:

Thanks Rohan for the information.

Mr. Robert Reid,

My name is Mohammad and I'm the owner of Unit 2 at 5912 9th Street NW. We as an HOA as an individual owner have had lots of challenges and issues with the original developer and the financier. The financier currently owns the property, hasn't paid a single month of HOA dues and I understand is seeking to get an exception to make the unit legal.

I know I'm going to sound like a concerned and skeptical home owner. Can you please share the filing that Unit 5 owner has made and/or what paperwork was submitted? How does this proceeding work? What say does the HOA have in the matter? This is the same financier that backed the original builder, foreclosed the property to buy it back up in a different LLC and owes more than 2+ years HOA dues.

Best,
-Mohammad

On Tue, May 17, 2022 at 5:40 PM <hassan9291@gmail.com> wrote:

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Best,
-Mohammad

On Tue, May 17, 2022 at 1:27 PM <support@dcra.mail.kustomerapp.com> wrote:

Good morning Mr. Hassan,

Please reach out to Mr. Robert Reid at the Office of Zoning to get assistance with concerns about the recently filed BZA application. His contact information is as follows:

Robert I. Reid

Zoning Specialist

Office of Zoning | District of Columbia Government

441 4th Street, NW | Suite 200-S | Washington, DC 20001

(202) 727-5471 (office) | www.dcoz.dc.gov | robert.reid@dc.gov

Additionally, the general telephone number for the Office of Zoning is (202) 727-6311.

I have asked the meeting participants to confirm if tomorrow, 5/18, will work for their schedules. I will follow up to let you know it if does and next steps.

Regards,

On Mon, May 16, 2022 at 9:05 PM <hassan9291@gmail.com> wrote:

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Tarek, Rohan,

Can you share an email address or contact of someone at the DC Office of Zoning that can help?

Also, let me know about scheduling a meeting amongst us to answer questions in this thread.

Best,
-Mohammad

On Fri, May 13, 2022 at 2:18 PM <dcracs@dc.gov> wrote:

Good morning Mr. Hassan,

You will need to contact the D.C. Office of Zoning to request BZA filing information. I am with DCRA in OZA with Mr. Rohan Reid, I do not have access to the documents you are referring to.

You can contact the Office of Zoning at <https://dcoz.dc.gov/>

On Fri, May 13, 2022 at 9:59 AM <dcracs@dc.gov> wrote:

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On Fri, May 13, 2022 at 9:59 AM <hassan9291@gmail.com> wrote:

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Tarek,

Are you able to help with the below?

Best,
-Mohammad

From: Mohammad Hassan hassan9291@gmail.com
Date: Monday, May 9, 2022 at 11:11 AM
To: dcracs@dc.gov dcracs@dc.gov
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Hi Rohan,

I can meet anytime that works on May 18th.

Tarek,

I know I'm going to sound like a concerned and skeptical home owner. Can you please share the filing that Unit 5 owner has made and/or what paperwork was submitted? How does this proceeding work? What say does the HOA have in the matter? This is the same financier that backed the original builder, foreclosed the property to buy it back up in a different LLC and owes more than 2+ years HOA dues.

We, the owners of the HAO want to make sure this transaction does not make our matters worse.

Best,
-Mohammad

From: DCRA Customer Service dcracs@dc.gov
Date: Friday, May 6, 2022 at 7:11 PM
To: hassan9291@gmail.com hassan9291@gmail.com
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Hi Mr. Hassan,

I am making on correction. I will be back in office on 5/16. Please let me know your availability after that date. Thank you!

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

dcracs@dc.gov <mailto:dcracs@dc.gov> | dcra.dc.gov <https://dcra.dc.gov/>
1100 4th Street SW, Suite E340, Washington, DC 20024
main: 202.442.4400 | desk: 202.442.4648
inspections: 202.442.7867
[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]
On Fri, May 6, 2022 at 10:55 PM <dcracs@dc.gov <mailto:dcracs@dc.gov>> wrote:
Good afternoon Mr. Hassan,

I am in receipt of your email and will make the other DCRA staff aware of it as you requested.

The attachment you provided is a notice from the Board of Zoning Adjustment (BZA), which is at the Office of Zoning, a separate DC agency. The applicant is seeking permission to make the fifth unit a legal one. As you are aware, the maximum units allowed at the property is four. In order to have five units at the property, BZA relief is required. It appears that the owner of the current illegal fifth unit, may have submitted the BZA application and not the HOA.

I do hope that you received my voice message that I left on 3/18 regarding our proposed meeting for that same day. In my voice message, I explained that I erred in not sending you the link to the meeting invite and inquired about another convenient time that would work for you. I also wasn't sure if you had returned from your travels. I am glad to see that you are still looking forward to a meeting and I will be happy to schedule one. I am out of the office next week and will return to work on 5/18. Please let me know of your availability for a meeting after 5/18 and I will work with my other colleagues to get it

scheduled upon my return.

In my absence, if you have any zoning related questions, please email dcracs@dc.gov and put it to the attention of Tarek Bolden. He is my zoning enforcement colleague and can assist until I return. Have a great weekend and upcoming week.

Regards,

On Fri, May 6, 2022 at 7:42 PM <dcracs@dc.gov> wrote:
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On Fri, May 6, 2022 at 7:42 PM <hassan9291@gmail.com> wrote:
Hi Rohan,

Can you help me understand what the attached is about? I'm still interested in connecting during a meeting to answer the original questions in this email thread as well.

Please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

Best,
-Mohammad

From: dcra support support@dcra.mail.kustomerapp.com
Date: Thursday, February 10, 2022 at 1:26 PM
To: hassan9291@gmail.com hassan9291@gmail.com
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Thank you, Mr. Hassan. Got it!

I will follow up to confirm the date.

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

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inspections: 202.442.7867
[[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT](#)]

On Thu, Feb 10, 2022 at 6:23 PM <hassan9291@gmail.com> wrote:
Hi Rohan,

Yes, March 18th. The next few weeks I'm out of town.

Best,
-Mohammad

On Thu, Feb 10, 2022 at 5:31 PM

<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:
Hi Mr. Hassan,

Thank you for getting back to me and letting me know that this Friday doesn't work for you. Before confirming a time with the other DCRA staff, did you mean to propose 3/18/22, or were you thinking of next Friday 2/18/22? I know you said you will be traveling for the next few weeks, and perhaps 3/18/22 is correct, but I want to be certain of the date.

Regards,

On Thu, Feb 10, 2022 at 12:07 PM <hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:
Thanks for your response, Rohan.

Unfortunately that time does not work.

Can we meet on 3/18/22 at a time of your choosing? The next few weeks require me to travel.

Best,
-Mohammad

On Wed, Feb 9, 2022 at 9:16 PM

<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:
Good afternoon Mr. Hassan,

I am in receipt of you email and do apologize for the delay in getting back to you. I was able to speak with the Zoning Administrator and Illegal Construction Manager and they are available to meet with you this Friday, 2/11/22, at 1:30 pm via MS Teams.

The questions and concerns you raise can be discussed further during the meeting, as well as next steps in the compliance process. If there are additional concerns and questions in the interim, add them to your previous list of questions and we will address them during Friday's meeting.

Please be on the lookout for the meeting invitation. Thank you!

Regards,

On Tue, Feb 8, 2022 at 1:28 PM <hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:
Dear Rohan,

Following up after our conversation on January 7th 2022. Questions below:

1. Have you had an opportunity to a talk to your council on the following:
 - * Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?
 - * You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder?
2. What would it take to work alongside BZA to get this above board? This may not be feasible but a suggested approach below
 - * Unit 5 Owner/Builder Pay Dues

b. Unit 5 Owner/Builder works through structural fixes

c. BZA and DCRA collaborate to work alongside owners and Unit 5 owner/builder to get this above board given Units 1-4 owners didn't intentionally purchase into a bldg. with significant issues.

Can you please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

Best,

-Mohammad

On Fri, Jan 7, 2022 at 8:43 PM <hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:
Mr. Reid,

Thanks for your prompt email. A few additional questions below:

1. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

2. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Please also pass receipt of this to all those originally copied on the email to you.

Best,

-Mohammad

On Fri, Jan 7, 2022 at 8:33 PM

<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:

Dear Mohammad Hassan,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Consumer and Regulatory Affairs (DCRA). I am in receipt of your email regarding the ongoing illegal construction matter at 5912 9th Street, NW. My goal is to address your concerns to the best of my ability, with the assistance from my OZA and Inspections and Compliance Administration (ICA) colleagues. As I work to do so, please let me know if you have any additional questions or concerns in the interim.

Please note that Mr. Thomas and Mr. Underwood are no longer with DCRA; however, I will forward the information to the staff persons who are now serving in their previous roles. Also, Director Chrappah and Mr. LeGrant will not appear on the recipient list of this email, instead they will be made aware of this communication to you via our new streamlined process and customer service platform (Kustomer) fo

On Mon, May 9, 2022 at 3:11 PM <hassan9291@gmail.com> wrote:

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Hi Mr. Hassan,

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Yes, March 18th. The next few weeks I'm out of town.

Best,
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Sent: Friday, January 7, 2022 2:14 PM
To: Reid, Rohan (DCRA) rohan.reid@dc.gov<mailto:rohan.reid@dc.gov>; Chrappah, Ernest (DCRA) Ernest.Chrappah@dc.gov<mailto:Ernest.Chrappah@dc.gov>

Cc: Thomas, Charles (DCRA) Charles.thomas@dc.gov; LeGrant, Matt (DCRA) matthew.legrant@dc.gov; Lynn.underwood@dc.gov
Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

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+ Director Ernest Chrappah

From: Mohammad Hassan <hassan9291@gmail.com>
Date: Friday, January 7, 2022 at 2:13 PM
To: rohan.reid@dc.gov <rohan.reid@dc.gov>, ernest.chrappah@dc.gov <ernest.chrappah@dc.gov>
Cc: Thomas, Charles (DCRA) <Charles.thomas@dc.gov>, matt.legrant@dc.gov <matt.legrant@dc.gov>, Lynn.underwood@dc.gov <Lynn.underwood@dc.gov>
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As you know, the HOA requested a stop-work-order in place and notified Director Bolling of the illegal construction after permits were granted . See the thread below.

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Please confirm receipt of this email. If you need to talk, please reach out at (240) 482-6127

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From: Jacob Beier <jacobbeier@gmail.com>
Date: Wednesday, January 31, 2018 at 12:23 PM
To: Melinda.bolling@dc.gov <Melinda.bolling@dc.gov>, Thomas, Charles (DCRA) <Charles.thomas@dc.gov>, matt.legrant@dc.gov <matt.legrant@dc.gov>

Lynn.underwood@dc.govmailto:Lynn.underwood@dc.gov
<Lynn.underwood@dc.govmailto:Lynn.underwood@dc.gov>
Cc: Mohammad Hassan <hassan9291@gmail.commailto:hassan9291@gmail.com>, Philipps, Bradley
<Bradley.Philipps@katzmedia.commailto:Bradley.Philipps@katzmedia.com>
Subject: Notice of unauthorized permitting at 5912 Street NW
Good afternoon, Director Bolling, Mr. Thomas, Mr. LeGrant, and Ms. Underwood.

I write today on behalf of the 5912 9th

On Thu, Feb 10, 2022 at 6:26 PM <support@dcra.mail.kustomerapp.com> wrote:

Thank you, Mr. Hassan. Got it!

I will follow up to confirm the date.

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Cc: Thomas, Charles (DCRA) Charles.thomas@dc.gov; LeGrant, Matt (DCRA) matthew.legrant@dc.gov; Lynn.underwood@dc.gov
Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

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<ernest.chrappah@dc.gov<mailto:ernest.chrappah@dc.gov>>
Cc: Thomas, Charles (DCRA) <Charles.thomas@dc.gov<mailto:Charles.thomas@dc.gov>>, matt.legrant@dc.gov<mailto:matt.legrant@dc.gov>
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Further explained in the attached letter, the HOA understands that permitting that was not authorized by the HOA occurred at our building in September 2017.

We've also learned that the Office of Zoning recently placed a hold on this property related to the unapproved construction of a 5th unit by the developer.

We sincerely appreciate your attention to this matter and the letter attached.

Please expect to hear from the HOA's agents and counsel soon to address these and other matters.

Sincerely,

Jacob Beier (HOA Secretary)
(202) 372-7551
5912 9th Street NW, #3
Washington, D.C. 20011

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On Fri, Jan 7, 2022 at 6:48 PM <+12404826127> wrote:

Voice Message